voyage is prevented by the seizure of the cargo as enemy goods, the shipowner should receive the full freight which he would rightfully have earned had not the seizure taken place. *The Fortuna*, Edw. Adm. 56; *The Prosper*, Edw. Adm. 72. See CARVER, CARRIAGE BY SEA, 6 ed., § 556. This line of reasoning would also entitle the claimants here to demurrage for delay caused beyond the time which the original voyage would have consumed. *Cf. The Anna Catharina*, 6 Rob. 10; *The Industrie*, 5 Rob. 88. This view has the support of the older text-writers. See 1 KENT COMM., § 125; POLSON, LAW OF NATIONS, 47. Compare the executive settlement of *The Wilhelmina*, PYKE, LAW OF CONTRABAND OF WAR, 189.

WILLS — CONSTRUCTION — GIFT TO A CLASS — DEVISE OF REMAINDER TO TESTATOR'S LIVING CHILDREN. — The testator devised land to his son for life, remainder in equal shares to his "living daughters." The son and three daughters survived the testator. Two of the daughters predeceased the son, and on his death the surviving daughter conveyed to the defendants. The plaintiffs, issue of one of the deceased daughters, brought ejectment to recover their mother's undivided interest. *Held*, that the plaintiffs recover. *Kohl* v. *Kepler*, 67 Pitts. L. J. 721.

The case turned on the question whether the word "living" referred to the time of the death of the testator or of the son. In direct and immediate gifts to a class, the class is determined at the time of the testator's death, unless a different intention appears from the will. *Davis* v. *Sanders*, 123 Ga. 177, 51 S. E. 298; *In re Ruggles' Estate*, 104 Me. 333, 71 Atl. 933. This is true even though the distribution is postponed to a later period. *Chasmar* v. *Bucken*, 37 N. J. Eq. 415. In the case of a gift by way of remainder or executory devise to a class described as the testator's heirs, next of kin, or relatives, the class is likewise to be ascertained at his death, not at the termination of the intervening estate. *Bullock* v. *Downes*, 9 H. L. Cas. 1; *Kellett* v. *Shepard*, 139 Ill. 433, 28 N. E. 751; *Boston Safe Deposit & Trust Co.* v. *Parker*, 197 Mass. 70, 83 N. E. 307. Where the gift is to the children, the same rule applies; the children *in esse* at the death of the testator take a vested interest in the remainder, subject to open up and let in those born afterward, before the time of distribution. *McLain* v. *Howald*, 120 Mich. 274, 79 N. W. 182; *Haug* v. *Schumacher*, 166 N. Y. 506, 60 N. E. 245; *Inge* v. *Jones*, 109 Ala. 175, 19 So. 435. The law prefers to construe a remainder as vested rather than as contingent. *Whall* v. *Converse*, 146 Mass. 345, 15 N. E. 660; *Doe* v. *Spratt*, 5 Barn. & Ad. 731. The rule accords with the presumed intention of the testator by preventing the disinheritance of the issue of a remainderman who may die during the existence of the preceding estate. *Hersee* v. *Simpson*, 154 N. Y. 496, 48 N. E. 890. The word "living" in the principal case may be applied with equal force to the time of the death of the testator as to that of the son. It was proper, therefore, for the court to follow, as it did, the general rules of construction outlined above.

BOOK REVIEWS

THE LAW AS A VOCATION. By Frederick J. Allen. With an introduction by William Howard Taft. Cambridge: Harvard University. 1919. pp. viii, 83.

A small book presenting, as its preface promises, a "clear, accurate and impartial study of the law," in order to assist the choice of those inclining to enter the profession, would be a miracle if wholly successful. To cover the subject in so few words is impossible; and this work is rather a section of a